

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE  
Room 25 House Building  
February 1, 2013**

**Members Present:** Sen. Daniel Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Rep. Keven J. Stratton, House Vice Chair  
Sen. Curtis S. Bramble  
Sen. Jim Dabakis  
Sen. Mark B. Madsen  
Sen. Stuart C. Reid  
Rep. Rich Cunningham  
Rep. Richard Greenwood  
Rep. Craig Hall  
Rep. Gregory H. Hughes  
Rep. Brian S. King  
Rep. Merrill F. Nelson  
Rep. Curtis Oda  
Rep. Jennifer M. Seelig

**Excused:** Sen. Ralph Okerlund

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Mr. Zackery King, Fiscal Analyst  
Ms. Jennifer Eyring, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.  
An audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Sen. Thatcher called the meeting to order at 8:09 a.m.

**MOTION:** Sen. Reid moved to approve the minutes for the February 16, 2012 meeting. The motion passed unanimously with Sen. Bramble, Sen. Madsen, Rep. Hughes, Rep. Oda, and Rep. Seelig absent for the vote.

Gary Syphus, Fiscal Analyst, discussed additional information provided as requested by the committee. The information included a database of Federal Grants with possible sequestration amounts, and the "State of Utah Federal Receipts Reporting and Plan of Potential 5% and 25% Federal Receipts Reductions, FY 2012." An explanation of the format and information contained in agency budget briefs was given.

**Board of Pardons and Parole**

Mr. Syphus reviewed the budget brief for the Board of Pardons and Parole, noting that there are

no budget changes recommended for FY 2014.

Clark Harms, Chairman, Board of Pardons and Parole, discussed the budget, noting that they do not receive any Federal funds or grants and have not requested any Building Block funds. After a brief background of the Board, Mr. Harms highlighted the performance charts on page three of the issue brief. He noted that warrants issued have been trending downward. The Annual Performance Measures/Scorecard shows items they have chosen to monitor because they affect costs and the State's budget. He felt they were successful in all categories, but they are continuing to look for ways to improve the Victim Notification area. Victim Impact Hearings were put into place to allow victims to have a voice in an earlier hearing when the regular parole hearing will be many years away.

Angela Miklos, Vice Chair, Board of Pardons and Parole, discussed the difficulties in keeping current contact information for victims when a parole hearing is not scheduled until years later. The Board contracted with Westlaw Clear in December of 2012 to increase the ability to provide victim notification as required by law. The Board also participates with VINE, Utah's victim notification service, but victims have to voluntarily sign up for those notifications, and that does not fulfill the statutory responsibility of the Board to notify all victims. In response to committee questions, Mr. Harms stated that it would require a change in the current law for victims to opt out of notification. Ms. Micklos said they make about 6,000 notifications a year.

Mr. Harms explained how the Board decided on their performance measures, including timeliness of hearings, being responsive to requests from the Department of Corrections, and maintaining appropriate prison levels. The Department of Corrections also informs the Board when inmates have completed incentive programs, paid restitution, completed educational goals, and other incentive requirements that may qualify them for early release. During the previous year, the Board of Pardons received 629 special attention requests for inmates and 524 inmates were granted early release, saving the Department of Corrections around \$3.6 million.

Rep. Hutchings and Sen. Thatcher praised the Board for their efficient and effective work.

Rep. Cunningham requested the committee be provided with information on recidivism rates for those who have received treatment or participated in incentive programs.

Mr. Syphus explained the beginning non-lapsing and closing non-lapsing funds on the Budget Detail.

In response to committee questions, Mr. Harms stated that the closing non-lapsing funds for FY 2012 show an increase in large part because a portion of the hearing officers are retired and the Board is not paying into their retirement. He also discussed the salary range for Board members and staff.

## **Department of Corrections**

Mr. Syphus provided an overview of the Department of Corrections Budget Briefs: 1) Utah Correctional Industries (UCI), 2) Medical Services, 3) Jail Contracting, and 4) Programs and Operations. It was noted that over the past several years, the Medical Services line item has experienced shortfalls, which have been supplemented by one-time fund transfers from the Programs and Operations line item. The Analyst recommends transferring \$2 million ongoing General Fund appropriations from the Programs and Operations line item to the Medical Services line item. The Parole Violator Center, under the Programs and Operations line item, is now open and is estimated to cost \$6.5 million annually to operate. During the 2012 General Session, the Legislature appropriated \$2 million ongoing funds and \$9 million one-time funds to operate the Parole Violator Center for two years. The Analyst recommends reallocating \$4 million of the Programs and Operations budget to operate the Parole Violator Center. Mr. Syphus also pointed out prison population growth compared to capacity, especially with female inmates. Jail contracting is used to manage the state inmate population. The Department likes to house about 20% of the inmate population in county jails.

Rep. Hutchings explained that jail contracting is renting bed space from county jails at a contracted rate as compared to reimbursement for housing an inmate.

Sen. Thatcher noted that jail contracting is an critical issue, especially for rural counties.

Mr. Syphus recommends that should funds become available, additional funding be appropriated for jail contracting.

Mike Haddon, acting Executive Director, Department of Corrections, expressed deep appreciation for the Department staff and introduced Geri Miller-Fox, acting Executive Coordinator, Alan James, Utah Correctional Industries, Dr. Richard Garden, Clinical Services, Gary Sessions, Finance Director, and Steve Gehrke, Public Information Officer. Mr. Haddon invited the committee to view information on their public website, [corrections.utah.gov](http://corrections.utah.gov), and discussed information in the "Utah Corrections Department Overview" handout provided to the committee. He covered the mission and vision statements, inmate and parolee populations, the department website, programming, Correctional Industries, inmate medical, and offender success. Programming includes treatment programs, cognitive behavioral services, employment services, and education opportunities. Utah Correctional Industries provides work opportunities and experience to the inmates. It is self funded, but not allowed to make a profit. They supply products to state entities and would like to see more demand for their products. Products are not available to the public. Medical services provides medical, dental, and mental health services. They contract with the University of Utah for more specialized services. The Medical Services line item often runs over budget. It was noted that most offenders face many barriers and difficulties when released. Mr. Haddon noted that life changes by the inmates usually do not happen quickly and require patience.

Mr. Syphus explained that Analyst budget recommendations assume no new funding would be available. Should money become available, they would recommend additional funding.

Mr. Haddon explained administrative segregation, why an inmate might be assigned there, duration, and conditions. He noted that they do the best they can to provide for those with mental illness, but it is not as much as they would like to do.

Rep. King expressed his concern that adequate funding be appropriated to provide sufficient treatment for inmates with mental illness.

Rep. Cunningham requested more information on substance abuse and treatment programs.

In response to committee questions, Mr. Haddon stated that if an inmate has a chronic or terminal medical problem that renders them unable to offend, the Department can request a compassionate release from the Board of Pardons. The Department can utilize jail contracting for category 3 inmates, but he was unsure the effect on their budget.

Mr. Haddon continued his presentation, discussing jail contracting, volunteer services, Federal funds, non-lapsing balances, and the FY 2014 budget requests. Because they have accumulated non-lapsing funds, the Department can address their additional needs without requesting additional funding. They will request the authority to move those funds to areas where they are needed.

**MOTION:** Rep. Oda moved to adjourn the meeting. The motion passed unanimously with Sen. Bramble, Sen. Madsen, Sen. Reid, Rep. Greenwood, Rep. Hall, and Rep. Hughes absent for the vote.

Sen. Thatcher adjourned the meeting at 9:53 a.m.